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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
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10/615,541

07/07/2003

Henry Tien Lo

8268

7590

01/07/2005

HENRY TIEN LO

#32

5010 INDIAN RIVER DRIVE
LAS VEGAS, NV 89103

EXAMINER

LAYNO, BENJAMIN

ART UNIT

PAPER NUMBER

3711

DATE MAILED: 01/07/2005

Please find below and/or attached an Office communication concerning this application or proceeding.

Office Action Summary

Application No.

10/615,541

Applicant(s)

LO, HENRY TIEN

Examiner

Benjamin H. Layno

Art Unit

3711

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If the period for reply specified above is less than thirty (30) days, a reply within the statutory minimum of thirty (30) days will be considered timely.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☒ Responsive to communication(s) filed on 04 October 2004.
- 2a) ☒ This action is **FINAL**. 2b) ☐ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) 1-18 is/are pending in the application.
- 4a) Of the above claim(s) _____ is/are withdrawn from consideration.
- 5) ☐ Claim(s) _____ is/are allowed.
- 6) ☒ Claim(s) 1-18 is/are rejected.
- 7) ☐ Claim(s) _____ is/are objected to.
- 8) ☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on _____ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some * c) ☐ None of:
1. ☐ Certified copies of the priority documents have been received.
 2. ☐ Certified copies of the priority documents have been received in Application No. _____.
 3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

* See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

- | | |
|--|---|
| 1) <input type="checkbox"/> Notice of References Cited (PTO-892) | 4) <input type="checkbox"/> Interview Summary (PTO-413)
Paper No(s)/Mail Date. _____ |
| 2) <input type="checkbox"/> Notice of Draftsperson's Patent Drawing Review (PTO-948) | 5) <input type="checkbox"/> Notice of Informal Patent Application (PTO-152) |
| 3) <input type="checkbox"/> Information Disclosure Statement(s) (PTO-1449 or PTO/SB/08)
Paper No(s)/Mail Date _____ | 6) <input type="checkbox"/> Other: _____ |

DETAILED ACTION

Response to Arguments

1. The terminal disclaimer filed 10/04/04 has been approved.
2. Applicant's arguments filed 10/04/04 have been fully considered but they are not persuasive. The 102 and 103 rejections in the last Office action follows.

Claim Rejections - 35 USC § 102

3. The text of those sections of Title 35, U.S. Code not included in this action can be found in a prior Office action.
4. Claims 1 and 15 are rejected under 35 U.S.C. 102(b) as being anticipated by Feola.

The Applicant is referred to the description of Feola in the first Office action.

The Applicant has argued that a player's Ante and bonus wagers in Feola can lose before the hands has been played out, while a player's Primary and bonus wagers in the claimed invention cannot lose before the hands has been played out. The Examiner takes the position that this step is not clearly recited in the claims. The claims only recite the steps of "settling each Player's Primary Bet wager against the Banker; determining whether each Player's Bonus Bet wager wins or loses, if any; and settling each Player's Bonus Bet wager against the Banker". These steps are broad, and there is no recitation that all the Primary and Bonus wagers remain placed until each player and Banker have been dealt their seven-card hand.

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The Applicant has also argued that in Feola's game there are three rounds of betting. Also in Feola's game each player can be dealt at least one initial card for the first round of betting, total of five cards for the second round of betting, and a total of seven cards for the third round of betting. While in the present invention, there is only one round of betting, and the dealer and each player are always dealt seven cards. The Examiner takes the position that the "only one round of betting" is not clearly recited in the claims of the present invention. The claims of the present invention only broadly recite "dealing cards, seven cards dealt either at one time or proportionally, into enough dealt hands of seven cards to provide a dealt hand for each Player and for the Banker". There is no recitation of "providing only one round of betting wherein each player placing a Primary Bet wager, and each player placing an optional Bonus Bet wager", "after all Primary Bets and Bonus Bets have been placed, dealing a hand of seven cards to each player and to the banker, wherein each player's Primary Bet and Bonus Bet remain placed, and permitting no additional Bets".

The Applicant has also argued that in Feola a winning payout is determined by comparing the player's best five cards with the dealer's best five cards, while in the present invention, the player qualifies for receiving a winning payout of the Primary wager, which is not determined by comparing the player's best five cards with the dealer's best five cards. The Examiner takes the position that there is nothing in the claims of the present invention clearly reciting this. The claims of the present invention only recite "settling each Player's Primary Bet wager against the Banker". This recitation is broad.

Claim Rejections - 35 USC § 103

5. The text of those sections of Title 35, U.S. Code not included in this action can be found in a prior Office action.
6. Claims 2-14, 16 and 18 are rejected under 35 U.S.C. 103(a) as being unpatentable over Feola.

The Applicant is referred to the first Office action.

7. **THIS ACTION IS MADE FINAL.** Applicant is reminded of the extension of time policy as set forth in 37 CFR 1.136(a).


A shortened statutory period for reply to this final action is set to expire THREE MONTHS from the mailing date of this action. In the event a first reply is filed within TWO MONTHS of the mailing date of this final action and the advisory action is not mailed until after the end of the THREE-MONTH shortened statutory period, then the shortened statutory period will expire on the date the advisory action is mailed, and any extension fee pursuant to 37 CFR 1.136(a) will be calculated from the mailing date of the advisory action. In no event, however, will the statutory period for reply expire later than SIX MONTHS from the mailing date of this final action.

Any inquiry concerning this communication or earlier communications from the examiner should be directed to Benjamin H. Layno whose telephone number is (571) 272-4424. The examiner can normally be reached on Monday-Friday, 1st Friday Off.

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If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Greg Vidovich can be reached on (571)272-4415. The fax phone number for the organization where this application or proceeding is assigned is 703-872-9306.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free).


Benjamin H. Layno
Primary Examiner
Art Unit 3711

bhl